

ORDINANCE _____ - 2010

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 130-92, RECREATIONAL VEHICLE DISTRICT (RV); CLARIFYING EMPLOYEE HOUSING, COMMERCIAL APARTMENTS, ACCESSORY USES AND ALLOWING VACATION RENTAL USES OF NONCONFORMING DWELLING UNITS; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, permanent market-rate residential dwelling units were established in the recreational vehicle (RV) district prior to the 1986 adoption of the land development code. As a result, these districts contain nonconforming market-rate permanent residential dwelling units; and

WHEREAS, vacation rental uses of permanent market-rate residential dwelling units are consistent with the permitted uses in the recreational vehicle (RV) district; and

WHEREAS, “owner/employee housing” is not defined in the land development code. In addition, permanent dwelling units are not a type of accessory use per the definition of accessory use in the land development regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Section 130-92 shall be amended as follows (deletions are ~~stricken through~~ and additions are underlined):

Sec. 130-92. Recreational Vehicle District (RV).

- (a) The following uses are permitted as of right in the recreational vehicle district:
- (1) Recreational vehicle spaces. RV spaces are intended for use by traveling recreational vehicles. RV spaces may be leased, rented or occupied by a specific, individual recreational vehicle, for a term of less than 28 days, but placement of a specific, individual recreational vehicle (regardless of vehicle type or size) within a particular RV park for occupancies or tenancies of six months or more is prohibited. Recreational vehicles may be stored, but not occupied, for periods of six months or greater only in an approved RV storage area (designated on a site plan approved by the director of planning) or in another appropriate district that allows storage of recreational vehicles. RV storage areas must meet all land development regulations,

floodplain management regulations and building code requirements for storage of recreational vehicles.

- (2) Commercial retail uses of less than 2,500 square feet of floor area; and
- (3) Accessory uses; ~~including permanent owner/employee residential dwelling units. No more than one permanent residential unit per three RV spaces up to ten percent of total spaces allowed or in existence.~~
- (4) Commercial apartments. No more than one commercial apartment unit per three RV spaces up to ten percent of total spaces allowed or in existence;
- (5) Attached and unattached residential dwellings, designated as employee housing as provided for in section 130-161. No more than one employee housing unit per three RV spaces up to ten percent of total spaces allowed or in existence;
- (6) Vacation rental use of nonconforming detached and attached dwelling units, if a special vacation rental permit is obtained under the regulations established in section 134-1;
- (4)(7) Collocations on existing antenna-supporting structures, pursuant to section 146-5(3) "Collocations on existing supporting structure"; and
- (5)(8) Satellite earth stations less than two meters in diameter, as accessory uses, pursuant to section 146-5(6) "Satellite earth stations."

Section 2. Severability.

If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Conflicting Provisions.

In the case of direct conflict between any provision of this ordinance and a portion or provision of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall apply.

Section 4. Transmittal.

This ordinance shall be transmitted by the Planning and Environmental Resources Department to the Florida Department of Community Affairs as required by F.S. 380.05 (11) and F.S. 380.0552(9).

Section 5. Filing.

This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

Section 6. Inclusion in the Monroe County Code.

The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition to amendment thereto, and shall be appropriately renumbered to conform to the uniform marking system of the Code.

Section 7. Effective Date.

This ordinance shall become effective as provided by law and stated above.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the ____ day of _____, 2010.

Mayor Sylvia Murphy	_____
Mayor <i>pro tem</i> Heather Carruthers	_____
Commissioner Mario Di Gennaro	_____
Commissioner George Neugent	_____
Commissioner Kim Wigington	_____

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Attest: DANNY L. KOLHAGE, CLERK

By _____
Deputy Clerk

By _____
Mayor Sylvia Murphy